

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TODD C. HERBERG,)	
)	
Plaintiff,)	Case No. 04-1035-ST
)	
vs.)	ORDER
)	
NORTHWEST REGIONAL EDUCATION)	
SERVICE DISTRICT, a political)	
subdivision of the State of Oregon and a)	
public body corporate, SALLY BUNNELL,)	
HARRY HEWITT, CANDACE M. COLE,)	
MARILYN MCGLASSON, KENDA)	
SHOEMAKER, and GAIL YOUNG,)	
)	
Defendants.)	

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KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on December 6, 2005. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Both plaintiff and defendants have filed objections to the Findings and Recommendation. Both plaintiff and defendants have filed responses to the objections.

When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#58) and GRANT defendants' Motion for Summary Judgment (#28) as to the Second Claim and DENY it as to all remaining claims.

IT IS SO ORDERED.

Dated this 12th day of January, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge